



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,719	02/05/2002	Johannes Hendrik Koegler	1094-18	7290

7590

01/09/2004

Adrian T. Calderone
DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553

EXAMINER

SAMPLE, DAVID R

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,719

Applicant(s)

KOEGLER ET AL.

Examiner

David Sample

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 7 and 20-23 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 10-19 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 1755

DETAILED ACTION

Any rejections and/or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

Claim 12 is objected to because of the following informalities:

Claim 12 refers to a directing agent content of "about 25%." Claim 1 recites a lower limit for this range of 25%. Because claim 12 incorporates the recitations of claim 1, it appears that the "about" is extraneous as the solution cannot contain anything less than 25% directing agent. Appropriate correction is required, such as deleting "about" before "25%" in claim 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8 and 10-19 are rejected under 35 U.S.C. § 103(a) as obvious over Murrell et al. (US 6,004,527) in view of Haden et al. (US 3,338,672).

Art Unit: 1755

Murrell et al. discloses a method of making a zeolite wherein an inorganic oxide is impregnated to "incipient wetness" with a solution containing a directing agent. See, e.g., col. 19, lines 23-39. The directing agent is an organic ammonium such as tetraethylammonium ions as in Example 1, or NaOH as in Example 9. The impregnated oxide is then reacted to form the zeolite. See, e.g., col's 11-12, lines 33-28, and Examples 1-10.

Murrell et al. does not specifically describe the amount of impregnating liquid as compared to the pore volume of the inorganic oxide. However, Murrell et al. describes impregnation to the degree that "surface gelation" is avoided. See col. 8, lines 33-63. This description appears to be identical to the presently described impregnation degree. Compare col. 8, lines 33-63 of the reference with page 8, line 22 to page 9, line 10 of the specification. Thus, the impregnation described by the claims is presumed to be inherent to the process of Murrell et al.

The impregnating liquid of Murrell et al. fails to disclose a general concentration for the micropore forming agent. However, Murrell et al. discloses that water which contains the "micropore forming agent" is added to the solid material in manner "sufficient to crystallize and a significant portion of the solid material into a molecular sieve." See col. 7, lines 30-35.

Haden et al. discloses a slurry process in which a calcined clay body is mixed with sodium hydroxide and the resultant mixture is crystallized. See col. 4, line 20-55 of Haden et al. Haden et al. employs a NaOH solution which contains 10-45 wt% NaOH. See col. 4, lines 45-55. At levels below 10%, insufficient crystallization occurs, and at levels greater than 45%, insufficient wetting may occur and unreacted clay may result. Id.

Art Unit: 1755

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a solution containing 10-45 wt% NaOH in the process of Murrell as suggested by Haden et al. because Murrell et al. discloses employing micropore forming agents in amounts sufficient to crystallize a significant portion of the solid material, and Haden et al. discloses that a solution containing 10-41 wt% NaOH results in crystallization.

As to claims 2, the reference discloses washing and drying at col. 15, lines 35-40.

The recitations of instant claim 3-5, 8, 10, 11, 14-19 can be found in the reference at least in Example 9.

The combination of references suggests the directing agent concentrations recited in instant claims 12 and 13.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 8 and 10-19 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 6, 7 and 20-23 are allowed.

Conclusion

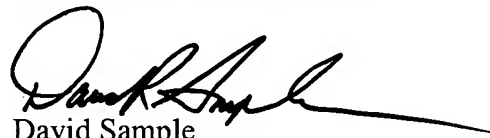
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1755

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Sample whose telephone number is (571)272-1376. The examiner can normally be reached on Monday to Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on (572)272-1362.


David Sample
Primary Examiner
Art Unit 1755

DRS
January 7, 2004